

### **REMARKS**

Entry of the foregoing amendment and reconsideration of this application are requested. Claims 1 and 2 have been amended and claims 1-20 remain pending in the application.

Applicant appreciates the courtesy extended by Examiner McCarry, Jr. during a telephonic interview on March 29, 2005 during which differentiation of the claims of the application over the primary reference to Delanty was discussed.

Claims 1-20 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Delanty, U.S. Patent No. 2,208,021. Delanty shows a running board assembly having a "bushing" in the form of a sealing strip 24, 25 for arguably preventing metal to metal contact between metal bars 11, 12, 14 and a mounting bracket 19, 19a, 20, 21.

To clearly distinguish from Delanty, independent claim 1 has been amended to recite that the compressible energy absorbing arrangement secured between the support surface and the bracket includes a fastening device which passes thru a non-metallic bushing and is isolated or out of contact with the support surface. This provides a unique mounting system which protects railcar support surfaces from the destructive vibrational energy caused by movement of the railroad cars.

In Delanty, threaded bolt 27 is always in direct contact with metal plate 14 attached to running board bars 11, the bushing 24, 25 and the mounting bracket 19, 19a, 20, 21. Because of Delanty's structure, there will be metal to metal contact between the bars and the mounting bracket and this will lead to cracking and fatigue, shortening the life of the running board. Delanty discloses on page 2, column 2, lines 46-50, "It is apparent that the pull of each bolt is transmitted directly to two adjacent longitudinal bars of each board section..." Delanty is only interested in providing a uniform downward pull on the bars (running board) so that they do not become twisted. Applicant's mounting system clearly distinguishes in structure and function from Delanty. It is

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believed independent claim 1 and claims 2-12 dependent therefrom are patentably distinct over Delanty.

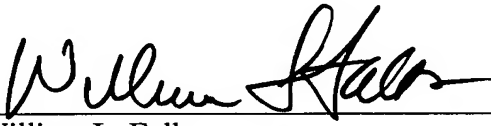
With respect to independent claim 13, Delanty fails to show a bushing having a lower portion carrying an insert retained in the bracket and a bolt having a head positioned above the upper portion of the bushing and a threaded shaft threadably received in an internally threaded base of the insert. For this reason, it is believed claim 13 and claims 14-20 dependent therefrom are patentably distinct over Delanty.

None of the other references cited are similar to the invention as now claimed.

Accordingly, it is respectfully requested that the rejection be withdrawn, that claims 1-20 be deemed allowable and that the application be passed to issue.

Respectfully submitted,

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